

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE GROUND ROUND INDEPENDENT
OWNERS COOPERATIVE, LLC,

Plaintiff,

- vs. -

Civil Action No. 05-CV-10780-NMG

CHARLES WHITMAN a.k.a. Chuck
Whitman, C.T.W. DEVELOPMENT
CORPORATION, RESTAURANT
CONCEPTS UNLIMITED CORPORATION,

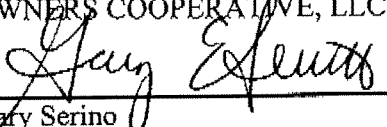
Defendants.

PLAINTIFF'S LOCAL RULE 16.1(D)(3) CERTIFICATION

Pursuant to Local Rule 16.1(D)(3), Plaintiff and its counsel hereby certify that they have conferred:

(a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and

(b) to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

GROUND ROUND INDEPENDENT OWNERS COOPERATIVE, LLC  Gary Serino	By its attorneys, /s/ Richard C. Pedone Richard C. Pedone, BBO No. 630716 Juan A. Concepción, BBO No. 658908 NIXON PEABODY LLP 100 Summer Street Boston, MA 02110 (617) 345-1000
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Dated: September 16, 2005